

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PASTOR ADEN RUSFELDT,

Plaintiff,

22-cv-594 (PKC)

-against-

ORDER

CITY OF NEW YORK, NEW YORK; DERMONT SHEA, in his official capacity as Commissioner of the City of New York Police Department; KEECHANT SEWELL, in her official capacity as Commissioner of the City of New York Police Department; STEPHEN SPATARO, in his official capacity as Captain of the City of New York Police Department; and OFFICERS JOHN DOE 1-10, in their official capacities as officers of the City of New York Police Department,

Defendants.

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CASTEL, U.S.D.J.

The Court will allow fact discovery to be limited in the first phase to discovery relating to whether any constitutional right of plaintiff under the First, Fourth and Fourteenth Amendments was violated by any defendant in connection with the actions occurring at or near the June 27, 2021 Pride Festival and any damages plaintiff suffered as a result thereof; this first phase includes all issues raised in the Complaint except plaintiff's allegation that the actions taken by any defendant were pursuant to any policies, practices, procedures, and/or customs created, adopted, and enforced under color of state law by any defendant. Fact discovery on the first phase shall conclude on March 31, 2023. Parties may submit pre-motion letters on any proposed summary judgment motion provided they do so within 14 days of the close of the first

phase of discovery. The schedule on the remaining phase(s) of discovery is deferred for future consideration.

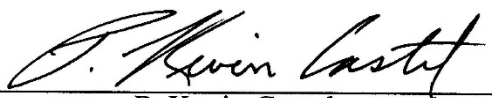
Except as modified herein, the Case Management Plan and Scheduling Order entered June 10, 2022 as amended on September 30, 2022 and November 17, 2022 remains in full force and effect.

Submit revised Confidentiality and Protective Order and Sealing Order within 7 days.

The January 5, 2023 conference is adjourned to April 13, 2023 at 3:00 p.m. in Courtroom 11D.

Letter motion (Doc 57) is GRANTED in part and DENIED in part and should be terminated by the Clerk.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
December 7, 2022